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# **U.S. Environmental Protection Agency**

## **Telework Policy**

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
TELEWORK POLICY**

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# Telework Policy

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## PURPOSE

The Telework Enhancement Act of 2010 requires that the head of each executive agency establish a policy under which eligible employees of the agency may be authorized to telework. In addition, the Act requires that a determination be made regarding which employees are eligible to telework and that all employees of the agency should be notified of their eligibility. Final telework determinations, notifications and decisions will be the responsibility of each program and regional office.

A successful telework program can yield many benefits, including cost savings, increased productivity and performance, enhanced recruitment and retention, heightened employee morale, improved emergency preparedness and reduced energy use.

## SCOPE

This policy covers all full-time and part-time U.S. Environmental Protection Agency employees, supervisors and managers in the competitive, excepted, and Senior Executive Service. This policy also covers Public Health Service Officers, Schedule C, Administratively Determined employees and non-EPA employees serving on Intergovernmental Personnel Act assignments to the EPA.

This policy does not cover agency employees on details or IPAs to other agencies, departments or organizations.

When this policy and a collective bargaining agreement conflict, the CBA shall govern unless the parties mutually agree otherwise.

## POLICY

The EPA supports the use of telework. The eligibility of employees to participate in telework is based on: 1) the extent to which their work is portable; and 2) the employee eligibility requirements outlined in this policy. Because telework requires collaboration between management and employees, both parties have responsibilities in its successful implementation

and operation. An employee's participation in telework is voluntary. Teleworkers will receive the same treatment and opportunities as non-teleworkers (e.g., work assignments, awards and recognition, development opportunities, promotions, etc.).

## **DEFINITIONS**

**Telework** – Telework is work performed away from an office worksite at an approved location.

**Alternative Work Location** – The AWL is an approved work location other than the employee's official worksite. A telework AWL will generally be an employee's residence, a telecenter or other approved worksite and will generally be within the local commuting area (as that area is defined in Title 5 of the Code of Federal Regulations, Section 351.203), such as a facility established by state, local or county government or private organization for use by teleworkers.

In limited circumstances, supervisors or managers may approve employee requests to work at an AWL outside of the local commuting area in cases of episodic telework, medical telework and full-time telework.

**Local Commuting Area** - The geographic area that usually constitutes one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities in which people live and can reasonably be expected to travel back and forth daily to their official worksite.

**Portable Work** – Work that is normally performed at the employee's official worksite, which can be performed at another location with equal effectiveness with respect to quality, timeliness, customer service, and other aspects of accomplishing the EPA's mission. Such work is part of the employee's regular assignments and does not involve a significant change in duties or the way in which assignments are performed.

**Official Worksite** - The official location of an employee's position of record as determined under 5 CFR 531.605. Official worksite is the "official duty station" as that term is used in 5 United States Code, Section 5305(i).

**Position of Record** - An employee's official position defined by grade, occupational series, employing agency, law enforcement officer status and any other condition that determines coverage under a pay schedule (other than official worksite), as documented on the employee's most recent Notification of Personnel Action (Standard Form 50 or equivalent) and current position description, excluding any position to which the employee is temporarily detailed.

**Regular Office/Worksite** – The office (program, region, lab, HR Shared Service Center) to which the employee reports on a regular and recurring basis, receives direction, and/or returns to if the supervisor or manager recalls the employee or terminates the telework agreement.

**Telework-Ready Employee** – Any employee who has a Telework Agreement currently in effect, authorizing any type of telework.

## ROLES AND RESPONSIBILITIES

EPA Telework Managing Officer: The Assistant Administrator for the Office of Administration and Resources Management, who also serves as the agency's Chief Human Capital Officer, shall serve as the TMO. The TMO serves as the primary telework point of contact between the agency and the Office of Personnel Management. The TMO is responsible for overall policy development and implementation of the agency's telework policy and programs and serves as an advisor for agency leadership on the full range of telework issues as well as a resource for managers and employees.

Agency Telework Coordinator: The Office of Human Resources in OARM executes the duties of the agency telework coordinator, who is responsible for overseeing the agency telework program. The coordinator may periodically review telework approvals and disapprovals to ensure consistency of application, direct changes as necessary, and ensure that any necessary training is provided as required.

Program/Regional Office Telework Coordinators: Program/Regional Office Telework Coordinators are responsible for ensuring that all participants are aware of their responsibilities, that they have taken appropriate training, and have agreements in place. Upon request, these telework coordinators are required to provide participation data including documented approvals and disapprovals to allow monitoring of the program.

Assistant Administrators, the Chief Financial Officer, the Chief Information Officer, the Inspector General, the Chief of Staff to the Administrator, the General Counsel, and Regional Administrators or their equivalents or designated representatives: These executives are responsible for selecting program/regional office telework coordinators and may assign and locate telework coordinator duties anywhere in their respective organizations. However, if a manager does not designate a telework program coordinator, he or she must ensure that the telework program coordinator's responsibilities are appropriately delegated to and performed by one person who will serve as a point of contact for the agency's telework coordinator. In addition, deputy assistant administrators or deputy regional administrators (or their designees) must approve requests for full-time telework.

EPA Human Resources Shared Service Centers: HR SSCs are responsible for ensuring that all position descriptions are checked for telework eligibility prior to initiating recruitment actions and are so noted in job advertisements.

Supervisors and Managers: Supervisors and managers are responsible for the overall management of teleworking within their work units, including:

- Working with their regional human resources officer, HR SSC, and program management officer to identify positions that may, in whole or in part, be eligible for telework and ensuring that such designations are identified in job announcements;
- Approving or disapproving new or revised requests to telework (less than full-time) within a reasonable timeframe (i.e., normally within 15 calendar days) and in cases of disapproval, provide the rationale to the requesting employee;

- Reviewing and recertifying employee telework agreements every 12 months;
- Ensuring proper office coverage;
- Overseeing day-to-day telework operations, modifying individual telework agreements to meet mission needs or changing circumstances, and maintaining records and information necessary for evaluation of the program;
- Ensuring that teleworkers agree to comply with all existing security policies and procedures, including IT security personally identifiable information and confidential business information;
- Ensuring proper use of appropriate telework time reporting codes to document hours teleworked; and
- Monitoring performance by ensuring appropriate management controls and reporting procedures are in place before employees begin telework assignments. Teleworkers and non-teleworkers are treated identically for the purposes of monitoring and assessing job performance; however, supervisors and managers may need to utilize different mechanisms for communicating with teleworking employees.

Employees: Employees are responsible for the following:

- Completing a telework agreement and submitting it to their supervisor or manager for approval prior to teleworking;
- Performing an assessment of the AWL and answering the required questions on the Self-Certification Safety Checklist;
- Adhering to the telework policy, procedures, terms and conditions of the approved telework agreement;
- Complying with EPA policies for information technology security and use of government equipment/materials;
- Ensuring personal disruptions such as non-business telephone calls and visitors are kept to a minimum;
- Suggesting to their supervisor or manager if modifications are necessary to the agreement;
- Working with their supervisor to recertify the telework agreement every 12 months;
- Communicating as needed with their supervisor or manager to receive assignments and complete the work in accordance with the supervisor's or manager's instructions;
- Maintaining communication with the supervisor or manager while teleworking and working with the supervisor or manager to overcome problems or obstacles as they occur so that the work of the organization is accomplished in an effective and timely manner;
- Complying with all existing agency security policies and procedures, including those relating to PII and CBI;
- Teleworking to the extent feasible in the event the agency announces changes to its operating status, including changes to dismissal and closure procedures; and
- Arranging for dependent/elder care, if applicable, during the time the employee is working at an AWL.

## TYPES OF TELEWORK

Supervisors and managers may authorize the following types of telework based on their organizational needs:

Regular Telework: Under this type of telework, employees may request approval to perform their duties at an AWL on a regular and recurring basis, on predetermined days each pay period. Regular telework may range from one day per pay period up to full time. Full-time telework must comply with all requirements for regular telework and with additional criteria set out in the Full-Time Telework Requirements section below. Note: If the employee does not physically report to the regular office/worksite at least twice each biweekly pay period, their locality pay may be impacted. (5 CFR 531.605).

Episodic Telework: This type of telework is appropriate for work or assignments of specific limited duration or that may occur intermittently as opposed to a regular telework schedule as defined above. An employee must have an approved episodic telework agreement in place and receive approval in advance each time he/she wishes to telework. An employee may be approved for both episodic and regular telework.

In limited circumstances for episodic telework, supervisors or managers may approve employees to work at an AWL that is outside of the local commuting area. This determination will be made by the supervisor or manager, on a case-by-case basis, provided the employee meets all eligibility requirements contained in this policy or any applicable CBAs. Note: If the employee does not physically report to the regular office/worksite at least twice each biweekly pay period, their locality pay may be impacted. (5 CFR 531.605).

Unscheduled Telework: This type of telework is not scheduled in advance, but is performed when the agency announces changes to its operating status, including changes to dismissal and closure procedures pursuant to the OPM and Federal Executive Board operating status announcements. Any telework-ready employee at an approved AWL, subject to available portable work, may perform unscheduled telework. Note: If the employee does not physically report to the regular office/worksite at least twice each biweekly pay period, their locality pay may be impacted. (5 CFR 531.605).

Medical Telework: Allows for the continued accomplishment of the agency work while an employee has a physician-certified medical condition, which does not affect the employee's ability to perform his or her regular work assignment at an AWL. This type of telework may be the equivalent of full-time, but is not intended to be a permanent arrangement and will normally not exceed 90 calendar days. After 90 calendar days, a medical telework agreement may be extended for up to three additional 90-calendar day periods (i.e., nine months) if the additional medical certification justifies such at each extension (i.e., every 90 calendar days). The total maximum allowable time for a medical telework agreement is 12 months in any one rolling calendar year.

In limited circumstances for medical telework, supervisors or managers may approve employees to work at an AWL that is outside the local commuting area. This determination will be made by



the supervisor or manager, on a case-by-case basis, provided the employee meets all eligibility requirements contained in this policy or any applicable CBAs. Note: If the employee does not physically report to the regular office/worksite at least twice each biweekly pay period, their locality pay may be impacted. (5 CFR 531.605).

Reasonable Accommodation under the Telework Program: Telework can be used as a way to accommodate qualified employees with disabilities under the agency's reasonable accommodation process. Employees seeking to telework as a reasonable accommodation should contact their immediate supervisor or manager and/or the National or Local Reasonable Accommodation Coordinator.

EPA Continuity of Operations Plan: Telework is an important part of the agency's COOP. It enables employees to work from AWLs during emergencies such as a natural disaster, a terrorist attack, disruption to facilities, or a pandemic health crisis. It is a key tool in continuing the agency's vital role in the federal government in the face of an emergency. In such an emergency, any employee—with or without a telework agreement—may be requested to telework. (Note: during any period that the EPA is operating under a COOP, the COOP shall supersede this policy.)

## **PORTABLE WORK: DESIGNATING AND NOTIFYING EMPLOYEES**

Although many positions may be suitable for telework, not all aspects of all jobs can be performed effectively at an AWL and therefore, considered portable. Each supervisor or manager must identify the positions or portions of those positions within their organization that are suitable for telework and those that are not, and notify each employee, including new employees, of his or her eligibility to telework based on the portability of his/her work. Supervisors and managers must use the notification memorandum (Appendix A) to notify employees of their ineligibility, if applicable. No notification is required if the employee is eligible to participate in telework, even on an episodic basis. Supervisors and managers are also responsible for working with their HR SSC to identify which new positions may, in whole or in part, be eligible for telework and ensuring that such designations are identified in job announcements.

Work Suitable for Telework: Work that is suitable for telework depends on job content, rather than job series or title, type of appointment, or work schedule. It is possible that within identical or related occupational series, one position or portion thereof may be determined to be eligible for telework, and another may not, depending on individual job requirements. The General Services Administration guidelines identify several tasks and functions generally suited for telework. These include, but are not limited to:

- Reviewing and writing;
- Policy development;
- Report writing;
- Research (when research tools are available at the AWL);
- Analytical work;
- Telephone-intensive tasks; or

- Computer-oriented tasks (e.g., programming, data entry, data processing, word processing, web page design).

Employees may have some duties that are suitable for telework and others that are not. For these employees, supervisors and managers will need to determine how many days per week an employee is eligible to work at an AWL as part of regular telework.

Positions Generally Ineligible for Telework: Ineligible telework positions are those positions involving tasks that are not suitable to be performed away from the regular office/worksites. Examples include, but are not limited to, positions that comprise tasks that:

- Require the employee to have daily face-to-face contact with the supervisor or manager, colleagues, clients or the general public in order to perform his or her job effectively, which cannot otherwise be achieved via e-mail, telephone, fax or similar electronic means;
- Require daily access to classified information or a classified installation; [Note: Secure materials are those materials in which there exists a written policy, at the government, agency or organizational level, restricting the use/access outside of a specific government installation or area within a government installation, and including sensitive PII];
- Involve the construction, installation, maintenance and/or repair of EPA facilities;
- Involve the physical protection of EPA facilities or employees; or
- Other physical presence/site-dependent activity (e.g., emissions testing, laboratory trials).

## **EMPLOYEE ELIGIBILITY REQUIREMENTS**

Although the supervisor or manager has decision authority, an employee and supervisor or manager should work together to determine if telework is appropriate.

Basic Eligibility Requirements: An EPA employee may be authorized to telework if:

- The employee has sufficient portable work for the amount of telework requested;
- The employee is currently performing at the *fully successful* level or above. If an employee's last rating of record is less than *fully successful*, he or she must wait until a rating of record of *fully successful* or above is received;
- The telework arrangement does not create any impediment to the effective accomplishment of the employee's and his/her organization's work;
- The employee agrees to return to the regular office/worksites on a telework day if required to do so by his or her supervisor or manager;
- The employee continues to comply with the terms of his or her written and approved telework agreement; and
- Arrangements are in place for dependent/elder care, if applicable, during the time the employee is working at an AWL.

Employees may not telework if:

- The employee has been officially disciplined for being absent without permission for more than five days in any calendar year;

- The employee has any documented performance or conduct deficiencies within the preceding 12 months, including, but not limited to letters of reprimand, written warnings, or leave restrictions (unless the supervisor or manager determines that the conduct deficiencies have no impact on employee ability to telework); or
- The employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a federal government computer or while performing official federal government duties.

Authorizing Telework for New EPA Employees: New employees (i.e., employees who have worked at the agency for less than six months) may telework at the discretion of their supervisor or manager. Employees are encouraged to get experience in their organization or work unit before requesting telework. However, supervisors or managers are encouraged to grant telework on an episodic basis (e.g., for a management declared weather event, emergency, or other disruption), to the extent appropriate, as new employees become familiar with work requirements. While that amount of time will vary by employee, an “orientation” period of 90 days up to six months would be considered reasonable before allowing a new employee to telework on a regular basis.

In addition to the eligibility requirements for agency employees as noted above, supervisors or managers authorizing telework for new employees should, at a minimum, also consider the following factors:

- Previous federal service, if any;
- Length and nature of previous work experience; and
- Any previous experience teleworking.

## **FULL-TIME TELEWORK REQUIREMENTS**

Authorizing Full-Time Telework for Employees: In addition to meeting the eligibility requirements set forth above for all teleworkers, employees seeking to telework full-time must meet the additional criteria set forth below. As with all telework, management reserves the right to determine if authorizing an employee to perform full-time telework is appropriate. The approving official (the DAA or DRA (or their designee)) can terminate full-time telework at any time.

Approval for full-time telework should only be authorized when all of the following criteria are met:

- All of the employee’s work is portable;
- The employee’s position rarely requires in-person interface with management officials and other employees;
- The employee has a demonstrated track record of meeting performance plan objectives and working without close supervision; and
- The DAA or DRA (or their designee) has approved the request for full-time telework based on a determination that an employee meets all required criteria based on agency policy.

Authorizing Full-Time Telework Which Involves Changing an Employee's Official Worksite:

For all full-time telework, the official worksite is the AWL. Supervisors or managers must prepare and submit to the appropriate HR SSC at least 30 calendar days prior to the effective date, the required personnel documentation (i.e., Request for Personnel Action, Standard Form 52) to change an employee's official worksite to his or her AWL.

When full-time telework is approved:

- The employee may be required to utilize common/shared work areas, which are not permanently assigned to any specific employee, when he or she is required to report to the regular office/worksite;
- Relocation costs associated with full-time telework, if applicable, are the sole responsibility of the employee;
- If the agreement is terminated, the employee is responsible for all costs associated with returning to the regular office/worksite. The first-line supervisor or manager will provide a seven day (calendar) written notice of intent to terminate the agreement and the employee will have 10 days (calendar) to report to the regular office/worksite. Supervisors or managers will need to ensure adequate office space availability upon the employee's return to the regular office/worksite after termination of his or her telework agreement; and
- Locality pay may change.

Full-Time Telework Outside the Local Commuting Area: Any request by an employee for full-time telework outside the local commuting area is voluntary on the part of the employee. The relocation, if approved, would be for the convenience and benefit of the employee, and the agency, therefore, will neither pay for nor reimburse any relocation costs incurred by the employee. If an employee wants to telework full-time, outside of the local commuting area:

- The employee must receive a written recommendation for doing so, in advance, from their supervisor or manager. When assessing relocation requests the supervisor or manager must, at a minimum consider 1) the employee's current and likely future duties; 2) whether or not the employee is likely to retain full-time telework eligibility in the future; and 3) the costs associated with any recall that may be necessary (particularly those requesting to relocate significantly outside of the local commuting area).

The written recommendation must clearly explain how the employee is fully able to perform all of his or her duties effectively from the remote location, so that approval of the request will not, under any circumstances, diminish the agency's ability to accomplish its mission and meet its operational goals.

- The employee's supervisor or manager must submit the written recommendation to the DAA or DRA (or their designee).
- This documentation must be approved and signed by the DAA/DRA (or their designee). If approved, to effect a change in the official duty station, the employee's supervisor or manager must initiate a SF-52 to the servicing HR SSC to document the change on a Notification of Personnel Action (SF-50). All requests must include a copy of the

requesting employee's approved telework agreement and clearly address the following items:

### **Employee Information**

- The full name, series, grade and title of the employee.
- A copy of the employee's current position description.

### **Position Information**

- The position's current official duty station.
- The position's proposed official duty station.

If the request is not approved, the DAA/DRA (or his/her designee) will respond in writing with the reasons the request was denied.

Travel Costs Associated with Full-Time Telework: If the supervisor or manager recalls an employee on approved full-time telework to the office, then the employee is entitled to travel expenses.

## **PREPARING FOR THE TELEWORK ARRANGEMENT**

EPA Eligible Employees: All eligible agency employees who wish to telework must meet the following conditions. Failure to comply with any one of the conditions listed below may result in the denial or termination of a telework arrangement:

- Complete the required employee telework training prior to applying for the telework program;
- Complete the "*EPA Telework/Application Agreement*" and the "*Employee Self-certification Safety Checklist*" (which identifies the significant safety standards that should be met at the AWL) and submit them to their supervisor or manager for approval;
- Ensure that all necessary dependent/elder care arrangements are maintained and that they do not interfere with the employee's work performance while working at the AWL;
- Have equipment at the AWL that is available and working properly to ensure compliance with the EPA's information technology policies and procedures;
- Comply with established pay and administration policies on work schedules, consistently use the appropriate telework time reporting codes to document time and attendance on a bi-weekly basis and give a copy of their telework schedule to the office timekeeper;
- Comply with established policies for requesting leave;
- Maintain a current performance level of at least fully successful;
- Ensure that working from the AWL causes no disruption in the efficiency of work, and that the employee is available to his or her customers, co-workers and supervisors or managers. This means, for example, that teleworking employees cannot make their regular teleworking hours unavailable for calls, meetings or virtual meetings in their electronic calendars or put "out of office" messages on e-mail and voice mail systems indicating that they are unavailable. All communication must be seamless;

- Maintain organizational requirements regarding communication and accessibility and respond in a timely manner to their team leaders, supervisors or managers, co-workers, agency customers and the public;
- Be capable of joining and be available to join teleconference meetings or conference calls while working at the AWL;
- Safeguard agency equipment (if provided) and use it only for official purposes in accordance with established policies;
- Be willing to telework in case of an emergency;
- Be willing and able to leave the AWL and return to the regular office/worksite if requested by his or her supervisor or manager; and
- Participate in the annual recertification process as required by this policy and in any other telework program monitoring and/or evaluation processes required by the agency or other authoritative entities (e.g., OPM, Government Accountability Office, Congress).

Each new telework agreement will be reviewed on an individual basis. Decisions will be made based on eligibility criteria outlined in this policy and in applicable bargaining unit agreements. The process for application and re-certification will also follow those processes outlined in this policy and in applicable bargaining unit agreements.

## **TELEWORK TRAINING**

Training sessions on the basics of telework will ensure a common understanding of its requirements. Participating employees must complete the agency-approved training and obtain a certificate of training before participation. The employee's record of the required training must be attached to the telework agreement. Supervisors or managers must also complete agency-approved telework training and obtain a certificate of training.

## **ESTABLISHING THE TELEWORK AGREEMENT**

Regular, Full-Time and Episodic Telework: The following actions are to be taken when establishing a regular, full-time or episodic telework agreement:

- The interested employee submits a completed application to his or her immediate supervisor or manager;
- The employee and supervisor or manager discuss the proposed telework agreement and the type of work to be completed by the employee at an AWL;
- If a suitable arrangement is reached, the employee and supervisor or manager complete the application/agreement, safety checklist (not required for a telecenter), and the required training. Once all requirements are completed, the telework agreement is signed and dated by the employee and supervisor or manager. Full-time telework requests must also meet the additional full-time telework requirements identified above, including approval by the DAA/DRA (or their designee);
- A separate agreement for each telework episode is not necessary if the employee has signed an agreement to telework on an episodic basis;
- Employees are to obtain information and implement all procedures for accessing the secured operations of the regular office/worksite; and

- If the AWL is a telework center, arrangements must be made by the employee's organization to cover cost and to reserve a workstation for the employee.

Medical Telework: The following actions are to be taken when establishing a medical telework agreement:

- The employee must submit a physician-certified written statement that:
  - Provides a description of the diagnosis of the medical condition necessitating the telework arrangement;
  - Summarizes the prognosis, including the expected return-to-work date, and, as appropriate, discusses medical management—including how the temporary medical condition might interrupt the employee's work schedule;
  - Lists restrictions that should be placed on the work performed at the AWL, if applicable;
  - States that the employee is able to perform the duties of the position at an AWL; and
  - Describes the benefit to the employee's medical condition from working at an AWL, or the reduction of health risks to other employees, if any, derived from this arrangement.
- Medical telework may be authorized for up to 80 hours per pay period for up to 90 calendar days. After 90 calendar days, a medical telework agreement may be extended for up to three additional 90-calendar day periods (i.e., nine months) if the additional medical certification justifies such at each extension (i.e., every 90 calendar days). The total maximum allowable time for a medical telework agreement is 12 months in any one rolling calendar year.
- Based on the employee's condition, the supervisor or manager may grant the employee sick leave or approve a combination of sick leave and telework to cover the situation.
- Medical telework is appropriate for employees with non-work compensable injuries. Employees with work compensable injuries will be managed under applicable workers' compensation regulations.

## **TELEWORK AGREEMENTS**

The telework agreement covers the terms and conditions of the telework arrangement. It also constitutes an agreement by the employee to adhere to applicable guidelines and policies. The telework agreement includes items such as the voluntary nature of the arrangement; duration of the telework agreement; hours and days of duty at each work location; responsibilities for timekeeping, leave approval and requests for overtime and compensatory time; performance requirements; and proper use and safeguards of government property and records. When any aspect of the work agreement changes (e.g., position, work assignment, supervisor or manager, alternate work location, etc.), the employee and supervisor or manager will reassess the employee's work to determine telework suitability and continued approval.

Individual telework agreements must be renewed every 12 months. Employees who are designated essential for inclement weather or other emergencies and/or are emergency response employees for COOP purposes, should have signed telework agreements in place to facilitate continuity of operations in the event of emergencies.

The supervisor or manager must retain a copy of the signed telework agreement and a copy must be provided to the employee. A copy of the signed telework agreement must also be provided to the program/regional office telework coordinator who is responsible for maintaining telework records in the organization.

## **TIME, ATTENDANCE AND OTHER MISCELLANEOUS ISSUES**

Recording Telework Hours and Control of Time and Attendance: Proper recording, monitoring and certification of employee work time are critical to the success of the program. Employees and/or timekeepers are responsible for recording all telework time (regular, full-time, episodic, medical and unscheduled) into the time and attendance system.

Telework Time Reporting Codes: The time reporting codes that all teleworking employees must use to document and certify their work hours are provided below. There are separate TRCs for regular, full-time, episodic, medical and unscheduled telework as well as for overtime telework and telework as a reasonable accommodation. EPA's approved TRCs are as follows:

- **TMREG:** Telework Medical Regular;
- **TOHRW:** Telework Overtime Hours;
- **TWRAC:** Telework for Reasonable Accommodation;
- **TREGW:** Telework Regular Hours;
- **TBD** Telework – Full-time;
- **TWCTU:** Telework Comp Time Used;
- **TWCTE:** Telework Comp Time Earned;
- **TWEHR:** Telework Episodic Hours; and
- **TWUSH:** Telework – Unscheduled.

Hours of Duty and Work Schedules: Employees who telework will work the same schedules that they work at the regular office/worksites, including compressed or flexible schedules under an approved alternate work schedule plan and may not work non-standard evenings and weekend schedules. Eligible work schedules for employees participating in telework are the same as those employees working at the regular office/worksites. Emergency or extreme circumstances may warrant work schedules to be changed with supervisor or manager approval and in accordance with established procedures. Unstructured arrangements where employees work at the AWL without prior supervisory approval are not permitted.

Overtime during Telework - Eligibility Requirements: Approval in advance of overtime work is required; overtime work that is not ordered and approved in advance by the supervisor or manager, in writing, will not be compensated. Detailed information on overtime can be found in the *EPA Pay Administration Manual* (EPA Order 3155). In rare circumstances, an employee working at his or her AWL on a regular or episodic telework day may be directed by the



supervisor or manager to perform work that would require more time than the employee's regularly scheduled number of hours for the day. The supervisor or manager, in making the assignment, may order overtime for the employee. Employees may *not* perform unauthorized overtime work while teleworking (i.e., overtime that is not ordered and approved by the supervisor or manager in advance and in writing).

Leave: Procedures for requesting leave are the same for employees participating in telework and employees working at the regular office/worksites. Employees are responsible for obtaining leave approval in advance and reporting leave usage appropriately on their timecards. See the *EPA Leave Manual* (EPA Order 3165) for details.

Workers' Compensation: Employees who telework are covered by the Federal Tort Claims Act or the Federal Employees Compensation Act, and qualify for continuation of pay for workers' compensation for injuries sustained while performing their official duties. For this reason, it is vital that a specific AWL be approved in advance and adhered to by the employee.

The supervisor's or manager's signature on the request for compensation attests only to what the supervisor or manager can reasonably know, specifically whether the event occurred at the regular office/worksites or at an AWL during official duty. Typically, supervisors or managers are not present when an employee sustains an injury. Employees, in all situations, bear responsibility for informing their immediate supervisor or manager of an injury at the earliest time possible, seeking appropriate medical attention and filing the appropriate workers' compensation claim form.

Telework arrangements can result in employees who are currently receiving continuation of pay or worker's compensation returning to work, taking them off the workers' compensation rolls. Supervisors or managers may be able to find work that such employees are able to perform at home, or restructure existing work so that some of it may be completed at home.

Requirement to Return to the Regular Office/Worksite on a Scheduled Telework Day: Employees participating in the telework program, including full-time telework, must be accessible and available for recall to their regular office/worksites for a variety of reasons such as, but not limited to: meetings, briefings, special assignments, training, travel, unscheduled absence of other employees, emergencies or other situations deemed necessary by the supervisor or manager to meet mission, staffing, and workload requirements. Under these circumstances, the following should occur:

- A supervisor or manager may recall an employee to the regular office/worksites by notifying them at least 24-hours in advance. A supervisor or manager may recall an employee to the regular office/worksites with fewer than 24 hours when recall is essential for the agency to meet its mission and the employee is not prevented from commuting to the regular office/worksites.
- If an employee is unable to telework from his or her AWL due to being required to be at the regular office/worksites on a regularly scheduled telework day, or being on approved leave or travel, he or she is not *entitled* to another telework day. At his or her discretion,

the supervisor or manager may approve another telework day within the same workweek or pay period.

Travel: The travel provisions that apply to employees working at the official worksite also apply to employees who telework.

Prohibited Uses of Telework: Supervisors, managers and approving officials are prohibited from authorizing regular, episodic, or unscheduled telework for employees seeking to engage in activities solely of a personal, non-work-related nature that should otherwise be accommodated through other appropriate processes. Examples include, but are not limited to:

- Substituting telework for dependent/elder care (i.e., when the home is the AWL, an employee should not be using telework as a means to care for his or her spouse, child, or relative);
- Allowing an employee to telework in lieu of leave;
- Accommodating an employee's personal requests that should legitimately be resolved by other appropriate means (e.g., sick leave, annual leave, leave without pay, donated leave, advanced leave, accrued compensatory time, change in work schedule, reassignment, etc.); and
- Including time spent in routine commuting to and from the official worksite.

Note: There may be circumstances where telework eligible employees utilize leave for a portion of the workday and, at the supervisor's or manager's discretion, may be permitted to telework at an AWL for the remainder of the workday.

Monitoring Performance: GAO guidelines require that agencies establish a method that provides the supervisor or manager with reasonable assurance that employees are working when scheduled. Appropriate management controls and reporting procedures must be in place before employees begin telework assignments. Teleworkers and non-teleworkers should be treated identically for the purposes of monitoring and assessing job performance. Some approved techniques, which could be applicable to telework arrangements, include:

- Supervisory telephone calls or e-mail messages to an employee during times the employee is scheduled to be on duty;
- Visits by the supervisor or manager to the employee's AWL; and
- Use of performance management systems, including regular workload/accomplishments reports for teleworking and non-teleworking employees, to determine reasonableness of work output for time spent, project schedules, key milestones, quality of the work performed, and team reviews.

## **EMERGENCIES: UNSCHEDULED TELEWORK/DISMISSALS/CLOSURES**

Unscheduled Telework/Closures: In the event of an office closure, telework-ready employees already scheduled to telework that day are required to do so. Telework-ready employees not scheduled to telework that day are required, in coordination with their supervisor or manager, to utilize unscheduled telework to the maximum extent possible, subject to available portable work.

If there is insufficient portable work as determined by the supervisor or manager, the employee may be granted administrative leave to cover all or a portion of the scheduled workday. Employees who are required to work during their regular tour of duty on a day when federal offices are closed to the public (or during delayed arrivals or early dismissals) are not entitled to overtime pay, credit hours, or compensatory time off for performing work during their regularly scheduled hours. Employees reporting to an AWL other than the employee's primary residence during the workweek will follow the closure or dismissal procedures of the AWL.

Late Arrivals/Early Dismissals at the Regular Office/Worksite: When the agency announces early closure or late arrival of the regular office/worksite, telework-ready employees already scheduled to telework that day are required to telework their regularly-scheduled non-overtime hours. Telework-ready employees that are not scheduled to telework that day will be required, in coordination with their supervisor or manager, to utilize unscheduled telework to the maximum extent possible, subject to available portable work as determined by the supervisor or manager. If there is insufficient portable work as determined by the supervisor or manager, the employee may be granted administrative leave for their regularly scheduled non-overtime hours when the regular office/worksite is closed. Early release for the holidays has to be granted to those on telework to the same extent as granted to those employees working at the regular office/worksite.

Unscheduled Telework Announced: In the event that the regular office/worksite is open, but there is an announcement of the option for unscheduled telework that day, telework-ready employees not otherwise scheduled to telework may come into the regular office/worksite, request approval for unscheduled telework or request approval for annual, credit, or other leave.

Other Emergencies or Disruptions to the Regular Office/Worksite: In the event of a disruption to normal office operations (e.g., national or local emergency, emergency event involving inclement weather, or any situation that may result in a disruption to normal office operations), employees approved for regular and episodic telework are expected to telework if instructed by the supervisor or manager to do so. In COOP situations, telework may be required.

General Provisions: It is recommended that supervisors or managers and employees coordinate in advance if there is an anticipated event that may disrupt normal office operations to ensure that employees have portable work and the necessary equipment to perform telework during a regular office/worksite closure to the extent possible.

As with scheduled telework, an employee performing unscheduled telework must have sufficient portable work to perform throughout the workday when teleworking. An employee who does not have enough portable work must report to the regular office/worksite if it is open, contact their supervisor or manager for additional work, or request annual leave, credit time, or other leave. When severe weather or other circumstances prevent work from the AWL (e.g., loss of electricity, employee must evacuate, infrastructure/connectivity and child/elder care issues) or there is a lack of portable work as determined by the supervisor or manager, and the regular office/worksite is closed to employees, a telework-ready employee may be granted administrative leave by his or her supervisor or manager.

## **MODIFICATION AND TERMINATION OF THE TELEWORK AGREEMENT**

Telework is a voluntary program and not an employee entitlement. The operational needs of the agency are paramount. Employees who telework do not have an automatic right to continue teleworking. Telework agreements may be modified, adjusted or terminated at any time by management based upon an employee's failure to adhere to telework requirements or based upon any other consideration affecting employee eligibility. Telework agreements may also be modified, adjusted or terminated at any time when requested by the employee. Management has the right at any time to end an employee's use of telework, if, for example, the employee's performance falls below fully successful, the employee engages in misconduct, the employee fails to comply with a CBA or the terms of the employee's telework agreement, or if the telework agreement no longer meets the organization's needs. Participation in telework will be terminated when the employee no longer meets the eligibility criteria.

Management shall provide sufficient notice (typically seven calendar days), when feasible, before modifying or terminating a telework agreement to allow the affected employee to make necessary arrangements. The reason for termination will be documented, signed by the supervisor, manager and/or approving official, and furnished to the affected employee. Consent or acknowledgement via signature by the affected employee is not required for the termination of telework to take effect.

When any significant aspect of an employee's work changes (e.g., position, work assigned, AWL), the supervisor or manager will reassess the portability and suitability of employee's work for continued telework approval.

An employee may withdraw an application for telework, or terminate an approved telework agreement, at any time without prejudice, and return to the regular office/worksite. The employee must notify the supervisor or manager in writing, and the supervisor or manager should in turn acknowledge the employee's notice in writing, to prevent misunderstandings about work location.

## **REPORTING**

As OPM and other federal organizations seek telework reports, the agency's TMO and agency telework coordinator will serve as the primary liaisons between EPA, OPM and other federal organizations. EPA's telework coordinator will serve as the agency's central coordinating point and will work with telework coordinators across the agency to prepare comprehensive telework information.

## **FACILITIES AND EQUIPMENT**

Alternative Work Location Office Space: Requirements will vary depending on the nature of the work and the equipment needed to perform the work. At a minimum, employees should be able to easily communicate by telephone and email with the supervisor or manager, coworkers and serviced clients when working from their AWL. In addition, employees are responsible for

verifying and ensuring that their work areas comply with health and safety requirements (see the *"Employee Self-certification Safety Checklist"*). Home work areas must be clean and free of obstructions, in compliance with all building codes, and free of hazardous materials. An employee's request to telework may be disapproved or rescinded based on safety problems or the presence of hazardous materials. A supervisor or manager or designated safety official may inspect the home office or other AWL for compliance with health and safety requirements when deemed appropriate.

Regular Office/Worksite Space Sharing: The organizational unit to which an employee is assigned, may implement space-saving initiatives in regard to employees who have approved telework agreements and who are regularly working in the office for only two days or less per week, or four days or less per bi-weekly pay period. Such space-saving options may include shared workstations, smaller workstations or unassigned touchdown/hoteling situations. If management seeks to implement any such space-saving initiatives, they will notify the unions and bargain to the extent required by CBAs, local agreements, applicable law, rule and regulation.

Government-Furnished Equipment: The agency is under no obligation to provide GFE to its employees solely for the purpose of teleworking. Supervisors or managers, at their discretion, and if budget permits, may authorize certain items and services for the individual teleworker, including computers, printers, and telecommunications equipment and services.

Employees who have an agency-issued laptop or mobile phone assigned to them may use such equipment while teleworking and shall take reasonable safeguards against theft and damage when they do so. All agency-issued equipment and supplies remain the property of the agency, and the EPA remains responsible for service and maintenance of that equipment. The EPA is under no obligation to provide such equipment to an employee solely for the purpose of teleworking. The EPA is also under no obligation to service or maintain equipment belonging to the employee, even if the employee uses it for agency work.

If an employee furnishes his or her own equipment/workstation at the AWL, the government will not reimburse the employee for the purchasing costs of the equipment/workstation. In addition, the employee is responsible for the maintenance, repair and replacement of privately owned equipment. The agency will not reimburse the employee for such costs, including broadband. The agency is responsible for the service and maintenance of all GFE.

The EPA may not reimburse employees for the utility costs (e.g., heating, air conditioning, lighting and the operation of government-furnished computers) for AWLs. Utility costs include the monthly service charges for telephone or specific telephone charges. Teleworking employees making long distance calls to conduct official government business may use government issued mobile phones. Employees should understand that the use of government issued mobile phones might be monitored to ensure that they are being utilized in connection with agency business.

For employees that work at an AWL outside of the LCA, the agency is responsible for service and maintenance of GFE. In cases where GFE is in need of repair and upgrade, the agency will make all reasonable efforts to initiate repairs and upgrades remotely. However, should on-site assistance be required, employees must either return to their regular office/worksite or make

other arrangements with their supervisor or manager to ensure that repairs and upgrades can be made expeditiously. In consultation with the employee, supervisors or managers will make determinations over questions such as the employee's duty status, appropriate work assignments and potential temporary equipment during the interim period between when repairs and upgrades are required and when they are completed.

Note: Consistent with the agency's Records Management Policy, official agency business should first and foremost be done on official EPA information systems. The Federal Records Act prohibits the creation or sending of a federal record using a non-EPA electronic messaging account unless the individual creating or sending the record either: (1) copies their EPA email account at the time of initial creation or transmission of the record, or (2) forwards a complete copy of the record to their EPA email account within 20 days of the original creation or transmission of the record.

## **INFORMATION SECURITY**

The EPA CIO issues and maintains information security directives for protecting EPA information and information systems to include when users are teleworking and accessing systems remotely. These directives outline the responsibilities of each program office, region or other organization, and users in protecting EPA systems and information. Other pertinent supporting information security directives may be issued by users' program office, region or other organization.

Users agree that their responsibilities, described in the agency's information security directives, apply while on telework status. Teleworkers must minimize security risks to all agency information and systems.

The AWL workplace and workstation and other devices used with agency information must be configured to ensure all agency information in any form or format is properly protected at all times and in accordance with all agency directives.

## **RECORDS MANAGEMENT**

When working at an AWL, agency employees must continue to comply with the agency's records management policy and any other applicable policies related to using, creating, maintaining and disposing of records. Employees shall also comply with the Federal Records Act, Freedom of Information Act, the terms of any litigation hold, discovery in litigation and any requests for records by the Office of the Inspector General. Any record removed from the regular office/worksites for telework assignments remains the property of the agency and any information generated from telework assignments is the property of the agency. Employees are responsible for maintaining the integrity of their records and for producing records on demand.

Disposal of Telework Program Records: EPA Records Schedule 0039, Alternate Worksite Records, authorizes the disposal of records related to requests or applications to participate in an alternate worksite program (i.e., telework). This includes agreements between the agency and an employee, records relating to the safety of the worksite, the installation and use of equipment,

hardware and software, and the use of secure, classified information or data subject to the Privacy Act.

### **POLICY UPDATING PROVISION**

In accordance with the Telework Enhancement Act of 2010, this provision authorizes the Assistant Administrator of OARM, who has been re-delegated management authority for the agency's directives system, the ability to independently update the agency telework policy as by other relevant federal organizations, including, but not limited to, the Office of Management and Budget, OPM, the Federal Emergency Management Agency, the National Archives and Records Administration, and the GSA. The AA for OARM may also re-delegate the authority to update the policy to the Director of the Office of Human Resources. This authority also may be re-delegated further as appropriate.

### **WAIVER**

Any request to waive the requirements of this policy must be submitted in writing by the AA/RA (or designee) and approved by the OARM AA (or designee).

### **MATERIALS SUPERSEDED**

- EPA Order 3180, *Flexiplace Policy* (December 23, 1997).
- EPA Advisory 07-004A.1, *Flexiplace (Telework) Training and Annual Recertification Requirements* (May 2007).
- EPA Bulletin 08-006B, *Time Reporting Codes (TRCs) for Certifying Time and Attendance for Employees in EPA's Flexiplace (Telework) Program* (September 30, 2008).
- *Guidelines on Emergency Early Dismissal and Facility Closure Procedures* (December 23, 2010)

### **REFERENCES**

- The Telework Enhancement Act of 2010
- Public Law 106-346, § 359: Requires that all Executive agencies establish telework policies
- Public Law 105-277, Omnibus Appropriation Act, Title IV, § 630: Requires that funds be set aside for Executive agency employees to use telework centers
- 5 CFR 351.203: Definitions
- 5 CFR Part 530: Pay Rates and Systems (General)
- 5 CFR Part 531: Pay Under the General Schedule
- 5 CFR Part 550: Pay Administration
- 5 USC Section 5305(i): Special Pay Authority-New Official Duty Station
- 5 USC 5702: Per diem; employees traveling on official business
- EPA Delegation 1-17 A (September 13, 2011) *Domestic Travel*.

- EPA HR Bulletin number 08-006B (September 30, 2008) *Time Reporting Codes (TRCs) for Certifying Time and Attendance for Employees in EPA's Flexiplace (Telework) Program*
- *Guide to Telework in the Federal Government* (April 2011), OPM
- *Washington, DC, Area Dismissal and Closure Procedures* (December 2015), OPM